

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00169-MR-WCM**

MARCIA BALLARD,

Plaintiff,

vs.

HENDERSON COUNTY DSS, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court *sua sponte*.

The Plaintiff initiated this action on June 29, 2021. [Doc. 1]. Along with her Complaint, the Plaintiff moved to proceed without the prepayment of fees and costs. [Doc. 2]. On July 19, 2021, the Court entered an Order, concluding that the Complaint was subject to dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. [Doc. 3 at 4]. The Court further found that the Plaintiff had adequate resources with which to pay the required filing fee. [Id. at 5]. The Court gave the Plaintiff thirty (30) days to pay the required filing fee and to file an amended complaint addressing the deficiencies identified in the Court's Order. [Id. at 5-6]. The Plaintiff was specifically warned that failure to file an amended complaint or to pay the

required filing fee would result in the dismissal of this action without prejudice. [Id.].

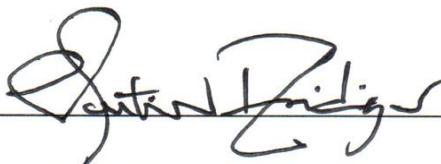
On August 12, 2021, the Clerk of Court received the required filing fee from the Plaintiff. More than thirty (30) days has passed since the entry of the Court's Order, however, and the Plaintiff has failed to amend her Complaint. As the Court previously noted [Doc. 3 at 4], the Plaintiff's Complaint fails to allege how her constitutional rights were violated, or even when or where such alleged violations occurred. Without any basic details about the alleged incidents giving rise to the Plaintiff's claims, the Complaint fails to state a claim upon which relief can be granted against any of the named Defendants. Accordingly, the Plaintiff's Complaint is hereby dismissed without prejudice.

IT IS, THEREFORE, ORDERED that the Plaintiff's Complaint is hereby **DISMISSED WITHOUT PREJUDICE.**

The Clerk of Court is respectfully directed to close this civil action.

IT IS SO ORDERED.

Signed: August 27, 2021



Martin Reidinger
Chief United States District Judge

